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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,587	06/14/2001	John Werner Bullack	TRIA:002	5873

7590 07/02/2003
O'KEEFE, EGAN & PETERMAN, L.L.P.
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1101 Capital of Texas Highway South
Austin, TX 78746

EXAMINER

SELLERS, ROBERT E

ART UNIT	PAPER NUMBER
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1712

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/881,587

Applicant(s)

BULLUCK ET AL

Examiner

Robert Sellers

Art Unit

1712

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 June 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
 ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action, or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

- 1 ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
 2 ☐ The proposed amendment(s) will not be entered because:
 (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ they raise the issue of new matter (see Note below);
 (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

- 3 ☐ Applicant's reply has overcome the following rejection(s): _____.
 4 ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 5 ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See the attachment.
 6 ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
 7 ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-6, 8-15 and 88-100

Claim(s) withdrawn from consideration: _____

- 8 ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
 9 ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
 10 ☐ Other: _____

Robert Sellers
 Primary Examiner
 Art Unit 1712

The 35 U.S.C. 132 and 112, first and second, paragraphs, rejections have been overcome by the amendments to page 11, lines 9-16 of the specification, claims 3 and 89, and the enablement for the proportion of difunctional methacrylate defined in claims 1 and 15 set forth on page 9, line 27 to page 10, line 2 based on the weight of the total formulation.

The 35 U.S.C. 103(a) rejections are maintained. The arguments filed June 24, 2003 (Paper No. 12) have been considered but are unpersuasive.

The compositions of European '500 and '540 are equivalent with respect to the two-part form wherein one part contains a peroxide, the second part comprises N,N-diethyl-*p*-toluidine, and both parts include an alkylene glycol methacrylate. The presence of the ferrocene accelerator with the peroxide in European '500 does not render it "quite different" from the formulation of European '540 since it is a non-reactive component which increases the cure rate which is not repugnant to the equivalent two-part adhesive of European '540.

The disclosure of European '500 is not limited to any proportions of addition polymerizable vinyl monomer (page 2, lines 19-21 and page 3, lines 6-16). The teachings of reference are not confined to the examples. Although a low concentration of 1,3-butylene glycol dimethacrylate and the presence of (meth)acrylate copolymer is exemplified (page 6, Example 3), the exhibited concentration and copolymer are not required.

European '540 espouses the use of from 1-60% by weight of an alkanediol dimethacrylate and shows as much as 40% by weight of ethyleneglycol dimethacrylate (page 4, Example 9). The alkanediol dimethacrylate is employed in both parts of a two-part adhesive containing a peroxide in one part and N,N-diethyl-*p*-toluidine in the second part which is equivalent to the form of the two-part adhesive of European '500.

The alkanediol dimethacrylate of European '540 is used in an amount of from 1-60% by weight which is effective as a crosslinking monomer (page 2, lines 26-30). It would have been obvious to utilize the alkanediol dimethacrylate of European '500 within the range of from 1-60% by weight and 40% by weight in particular in order to optimize the crosslinking of the polymerized monomer mixture.

Japanese '760 is directed to a two-part adhesive wherein one part contains a peroxide, the second part comprises N,N-diethyl-*p*-toluidine and both parts include a polyethylene glycol di(meth)acrylate which is equivalent in form to those of the European patents. There is no limitation as to the substrates to be adhered in the European patents. European '500 is open to the bonding of transparent substrates (page 1, line 36 to page 2, line 1). European '540 embraces the adhering of polycarbonates which is a common polymer for the formulation of optical lenses. Thus, the two-part adhesives of the European patents are similar to that of the Japanese patent based on the similar substrates to be bonded.

It would have been obvious to use the polyethyleneglycol di(meth)acrylate of the Japanese patent at a level of from 1-60% by weight and 40% by weight in particular in order to optimize the crosslinking of the polymerized monomer mixture.

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6/30/03